

*Approved Meeting Minutes
South Florida Ecosystem Restoration Task Force
Broward Center for the Performing Arts
February 15, 2005*

Opening Remarks and Administrative Items

Ms. Allbright called the meeting to order at 3:10 PM noting the meeting was being webcast. She announced the Working Group Vice Chair had resigned due to additional responsibilities at work and the CSOP Advisory Team Chair recently said that she would be moving out of state. She thanked Frank Bernardino and Carol Rist for their contributions and leadership. She recommended Ken Ammon to replace Frank Bernardino as the Working Group Vice Chair. She reviewed his recent appointment to the Working Group and his responsibilities as the project manager for the SFWMD's Acceler8 program. She asked for discussion or objections. There were none and Ken Ammon was appointed. She recommended that Loly Espino replace Carol Rist as the Chair of the CSOP Advisory Team once Carol moved. She noted that Loly had served on the team from the beginning and was selected for her breadth of knowledge and balanced perspective. She asked for discussion or objections. There were none and Loly Espino was appointed.

*Marti Allbright, Chair, U.S. Department of the Interior
Ernie Barnett for Colleen Castille, Vice-Chair, Secretary, Department of Environmental Protection
Henry Dean, Executive Director, South Florida Water Management District
Gene Duncan for Dexter Lehtinen, Special Assistant to the Miccosukee Tribe of Indians
Brent Fewell for Benjamin Grumbles, Acting Assistant Administrator for Water, U.S. Environmental Protection Agency
Donna Fries for Jose Diaz, Commissioner, Miami Dade County
Ron Marlow for Mack Gray, U.S. Department of Agriculture
Jim Murley for Clarence Anthony, Mayor, City of South Bay
Timothy Keeney, Deputy Assistant Secretary for Oceans and Atmosphere, U. S. Department of Commerce
Jim Shore, General Counsel, Seminole Tribe of Florida
George Dunlop for John Paul Woodley, U.S. Department of the Army
Michael Collins, Water Resources Advisory Commission*

Whiparound

Mr. Gene Duncan stated a University of Florida report indicating a 50% decline in snail kites since 1999 in WCA 3. He said this directly correlates with the IOP and ISOP operations and the Snail Kite, unlike the Cape Sable Seaside Sparrow, is in its designated habitat. EPA recently determined that the compliance methodology for the Loxahatchee is not protective and did not approve the provisions under the Clean Water Act. EPA did approve other areas such as the moderating provisions of net improvement of hydropattern restoration which the Tribe believes does not protect the downstream water quality standards and allows un-impacted areas to become impacted. Judge Moreno has determined that the Tribe has made a prima facie case of potential violations in the Loxahatchee Refuge and has ordered the next hearing on March 17th. Donna Fries noted Commissioner Diaz sent his regrets for not being able to attend due to a trip to DC. George Dunlop reported the President's fiscal year 2006 budget request includes over \$9 million for Aquifer Storage and Recovery (ASR) and \$35 million for the Corps' portion of Modified Water Deliveries. Over \$153 million was included for South Florida restoration. Mr. Ernie Barnett noted Secretary Castille was unable to attend due to an unexpected family illness. He said the Governor had presented his budget request and they expect to receive full funding for South Florida restoration. This will bring the total CERP spending since the passage of WRDA 2000 to \$1.2 billion. Much of that has gone to land acquisition and they have acquired over 51% of the land needed overall and over 80% of the land needed for the 10 initial projects. He recognized the partnership with the federal government for these land acquisitions through DOI appropriations and the Fish and Wildlife Conservation Fund. Mr. Henry Dean reported the Governing Board gave final approval for the agreement needed to complete land acquisition for the three major reservoirs in the Water Preserve Area in Broward County. He reported that despite the substantial rainfall events due to the hurricanes in September, it has been fairly dry lately and Lake Okeechobee is slightly below the same level it was at last year. He and COL Carpenter hope to be at a similar schedule of pulse releases this spring. Mr. Tim Keeney informed the group that he co-chaired the

Coral Reef Task Force meeting in December. He noted that Peter Ortner, Billy Causey and Rock Salt made a presentation on behalf of the Task Force concerning ecological performance measures and they discussed how the sustained observations program within Florida Bay and SW Shelf are important and the implications they have on the coral reef resources in the Sanctuary. He reported Commerce's budget is less certain for next year.

Director's Update

Mr. Greg May reported that the final CROGEE report for the Task Force on water storage had been distributed to the members. He said that report completed CROGEE's five year contract with the Task Force. He also reported briefing the newly formed NRC Committee on CERP Independent Scientific Review (required by WRDA 2000) on recent Task Force initiatives to coordinate science to include the formation of the Science Coordination Group and the development of the Plan for Coordinating Science. He also provided a draft list of 2005 Task Force priorities (Encl. 2) that was based on member discussion at the December meeting and related activities of the Working Group and Science Coordination Group.

2005 Priorities Discussion

Ms. Allbright noted the list was not intended to limit the items the Task Force takes up and asked if members had any additions or changes. Mr. Dunlop stated that he thought the list was comprehensive, but that additional details may be added. Mr. Dean stated that Acceler8 is the essence of CERP and asked for it to be affiliated with CERP implementation. He added that seven of the eight projects are from the Yellow Book. Mr. Keeney said Commerce would place highest priority on the tracking ASR, CIWQFS, MWD and Acceler8 implementation. At the conclusion of the member discussion and comment, Ms. Allbright said the Task Force would move forward with the priority list as discussed.

Working Group (WG) Report

Mr. Jay Slack reported on the issues the WG has been working in support of the 2004 Task Force priorities. Highlights included the multi-species management workshops which have greatly increased WG understanding of these issues. He provided an overview of the active issue and regional teams of the WG. He noted that some teams were currently inactive and the WG was in the process of determining whether they would be disbanded or revitalized. Now that the Task Force has adopted priorities for 2005, the WG will begin to develop actionable items that will compliment and support the priorities.

Science Coordination Group (SCG) Report

Mr. Rock Salt noted the Task Force approved the Phase I of the Plan for Coordinating Science (PCS) in December. He said the SCG had presented a recommended approach for developing the set of system-wide indicators in a peer reviewed, public process; and presented a work plan summary for completing the PCS Phase II. The first priority was the system wide indicators and draft guidelines and protocols for selecting the indicators had been developed. The draft guidelines and protocols would be discussed at the March SCG meeting. The initial set of candidate system-wide indicators will come from existing sources like the Conceptual Ecological Models (CEM) and Interim Goals and Targets. This approach would take advantage of the existing resources being spent on monitoring and indicators. The development of the PCS Phase II will include an analysis for each of the remaining CEMs and is scheduled to be completed this fall. The SCG and RECOVER will establish a joint meeting schedule to review the CEMs. The SCG is also developing options to conduct peer review and independent scientific review of Task Force work products like the PCS and the system wide indicators.

Mr. Dunlop asked about the distinction between independent scientific review and peer review. Mr. Salt explained that peer review is a term that individual research scientists use for a quality process they go through related to publishing a document. The SCG is considering a similar process used by the SFWMD whereby outside experts are used to review not only the technical adequacy of a document but the questions they are trying to deal with. Mr. Ortner added they are defining peer review in the traditional narrow sense. On the other hand independent scientific review would be a larger, more encompassing review.

Mr. Dunlop asked about the merit of micro versus macro biology in terms of system-wide indicators. He noted that if the micro biology of the system was right the macro biology would soon follow. Mr. Salt said the sub team and group had been working on these types of questions. The Total Systems Model Team

took the Total System's Conceptual Ecological Model (CEM) and developed a set of fifteen indicators broken into five categories. Although the team thought this overview was useful, they agreed to look at the individual community CEMs to tease out potential issues that would show up at a lower scale that wouldn't necessarily show up at a higher scale. Mr. Ortner added that the emphasis was on the systemic indicators like micro biology or the basic character of the ecosystem. He said there were some individual animals selected as a proxy for an indication of some ecological phenomenon. He emphasized that the CEMs are retrospective and capture the factors that have resulted in the system we have today. They are not intended to capture prospective changes that might occur as Florida changes as CERP is implemented. He also emphasized that the MAP plan and CERP Interim Goals were selected to specifically to measure the success of CERP implementation. He added that the Task Force goals exceeded those of CERP (although CERP provides the lion's share of restoration) and the SCG wanted to make sure that they provided the Task Force with indicators that would measure these additional goals beyond CERP.

Mr. Mike Collins said he did not dispute that the SCG could eliminate some of the duplication and wilder speculation that is going on but he was skeptical they have captured it although we keep talking about Phase II. He raised objections four years ago with CROGEE and the possibility they would "slip the leash" and get involved in political agendas and editorialism and was told that this group wouldn't let that happen. And yet CROGEE published reports, especially the last one that went well beyond science and were not satisfactory. He said that the science they need is essential but they need to stop the other agendas from taking control. He was told four years ago that the contract process and this group would make sure that CROGEE did not go beyond science and that effort was a failure. The District has someone watch the individual projects and the peer review process has controls in place. He said that thirty years down the line, he was concerned that science would be stopping them from turning the projects on. Mr. Salt said the SCG is not independent and works for the members of this Task Force. Mr. Collins asked whether the SCG could make a definitive statement about what was scientifically necessary and then get an independent scientific review process to assess that assertion. Mr. Collins asked whether they would try to anticipate some of the problems they have had in the past. He wanted to make sure the reviews don't get in the way of the science. Mr. Salt clarified the SCG would come back to the Task Force in May with their recommendations on how to go about the independent review of the indicators and the Phase I of the report. He also noted the intent to deliver the first draft of the first three sections of Phase II in August in preparation for the September Task Force meeting.

Mr. Gene Duncan said as a side comment there is a lack of coordination science and he noted the Project Delivery Team (PDT) hasn't even seen the CSOP Advisory Team's resolution and there was no direction given to the Corps to take things under consideration. Mr. May said the President's Budget was released after the CSOP Team developed their resolution. Mr. Dennis Duke will provide an update tomorrow that will provide a better idea of where they stand from a fiscal point of view and with respect to the other issues that were raised.

Public Comment

Ms. Martha Musgrove reviewed her work in creating the Decision-Makers Forum in Florida to link local government into the restoration initiative noting that they make most of the land use decisions. She has come to the reality that within the agencies, there seems to be little coordination between planning and regulatory programs and she asked the Task Force to develop recommendations on how to coordinate agency planning and regulatory programs. If basic regulatory programs continue to permit things they will not be able to successfully implement CERP. This Task Force would be a logical place to discuss this in depth.

Mr. John Adornato, National Parks Conservation Association, urged the Task Force to coordinate the efforts of the Modified Water Deliveries (MWD) project in order to realize the critical ecological benefits. He also urged them to coordinate and respond to the efforts of its local government members and allies to ensure protection of the lands that will make Everglades restoration a success. MWD and C-111 modifications will provide significant restoration benefits to the central Everglades and WCAs. NPCA would like to thank the Administration for its commitment to rapid restoration by requesting \$60 million for MWD. The MWD and the C-111 modifications cannot solve all the problems in the Park or in south Dade and these projects need to be completed as soon as possible allowing for other projects to build on

those benefits. He asked the Task Force to support the position of Commissioner Diaz who recently supported postponing the decision of allowing Florida City to annex wetlands in the southern Everglades and Model Lands. His position allows the County time to complete its multi-million dollar growth management study and allows agencies as this table to further develop alternatives. Task Force support could set a precedent for evaluating and coordinating the efforts of its member agencies.

Ms. April Gromnicki, Audubon of Florida, recommended that a high priority for everyone should be protecting and acquiring restoration lands. Although the state has acquired more than half of the lands necessary for CERP, and that is cause for celebration, there are still 200,000 acres to go at a cost of almost \$2 billion. They have lost 3,500 acres and there are 44,000 acres under imminent development threat and the lands will be gone within the next year or two. The first objective of CERP is to increase the spatial extent of natural areas and they need to get serious about protecting these lands. There is no money in the President's Budget for land acquisition.

Patrick Hayes, Loxahatchee River Coordinating Council/Martin County Soil and Water, echoed Ms. Musgrove's comments regarding the regulatory issues that have them in the position to need an \$8 billion CERP project. Over a billion and a half gallons of water per day is sent to tide and the coastal estuaries are not surviving. He asked the Task Force to look at the regulatory permitting processes in order to get ahead of the problem.

Dan Clark, Cry of the Water, reported that the coral reefs are being impacted by the water that is being pumped to sea every day. He did a dive this summer and found that the reefs, good near shore reefs, were being impacted and the Hurricanes helped to scrub the reef. He noted his concern with what could happen next summer when the water reaches ninety degrees and the storms don't arrive in time. A permit was just issued to start the Broward County beach project and they have filed a grievance with the Coral Reef Task Force citing the poor quality of the material which will be used. Hundreds of thousands of corals will be lost if better quality sand is not used. Dr. Juanes' study states the sand will migrate and bury the reef system. He asked the Task Force members to allow the people from their agencies to do a proper evaluation.

CPT Ed Davidson, resident, noted that for many years he has been talking about the disconnect between policy discussions and local land use decisions. There is a serious inconsistency within agencies among the policy and regulatory sections. Citizen and environmental groups have prevented the problem from being worse. There is currently an attempt to expand the highway leading onto the Keys and permits were issued based on the Miller Study. No sooner had the permits been issued when some of these same agencies began to disqualify the findings of the study. He pointed to this Task Force as the forum to address these types of issues.

Brenda Chalifour, Save our Shoreline, Inc., concurred with the previous speakers and added that "a grain of sand" would not protect a thirty-nine story structure on Hollywood Beach. She pleaded with the Corps of Engineers to do better noting she could not understand why a notice to proceed was signed for a project that would destroy reefs after being told about it for three years. Another problem was the natural gas pipelines from the Bahamas through the ocean to Hollywood Beach, the "death delivering FPL plant" a minimum of 45 people die every year because of the FPL plant and they will not make the plant convert. She hoped everyone was watching what the FAA is doing with regards to the airport expansion and the proposal to take a runway up over the railroad tracks, US1 into the mangroves and decimated John U Lloyd State Park. Thousands of residences will be condemned so that Wayne Huizenga can keep his hanger there. She asked where they are going to get all the needed water and sewer capacity noting the Regional Activity Center will allow 15,000 dwelling units. All of these things are happening with your approval and everyone does have a responsibility

Museum of Discovery and Science (MODS)

Ms. Kim Cavendish thanked the Task Force for its support and guidance over the last several years. She provided an introduction to the Museum and reviewed the accomplishments of the first two phases of the Task Force/Museum partnership. Phase III will include expansion of the MODS to provide extensive outreach on CERP, increased educational opportunities with state of the art laboratories, simulated airboat

trip and dynamic exhibits. These efforts will reach twenty million people on site at the museum and millions more through offsite outreach efforts. The Museum will require \$16 million and has already been awarded \$4.4 million in state educational funds and they have raised \$2 million.

Mr. Keeney noted NOAA's strong support for the partnership with the museum which reaches the international community and congratulated Ms. Cavendish for their accomplishments. Ms. Albright thanked the Museum for the presentation.

Meeting adjourned at 5:25 PM.

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February 16, 2005*

Welcome and Approval of Minutes

Ms. Allbright called the meeting to order at 9:05 AM. Meeting minutes for December and January were approved without objection. Mr. Dexter Lehtinen joined the meeting on the second day as well as Mr. Craig Tepper who sat in for Mr. Jim Shore. There was no representative for DEP.

Restoration Update

Mr. Dennis Duke provided a restoration update presentation (Encl. 3). He highlighted that the President's budget request for FY06 grouped several line items under one heading entitled "South Florida Everglades Ecosystem Restoration Funding". He pointed out a new request for \$35 million funding request for MWD and noted that amount was in addition to the \$25 million DOI request for a total of \$60 million. Various elements of the MWD project have been completed and real estate acquisition is ongoing. Sufficient funding is available to complete the real estate acquisitions. For the MWD project 846 tracts are needed and 471 have been acquired. The Park Service is assisting in the acquisition of 216 vacant tracts. The revision of the Tamiami Trail GRR is underway and scheduled for completion in November 2005. A contract should be awarded late this summer for the 8.5 square mile area levee, seepage control canal, pump station and stormwater treatment area. Mr. Duke also provided the status of the Kissimmee River Restoration, Critical Projects Program, Continuing Authorities Program and the C&SF project. Consultation on Project Implementation Reports will occur at the next Task Force meeting and members will be provided with summaries along with reference materials. He reviewed the comments received on the MISP. Next steps include completion of analysis of impacts and an examination of the impacts of performance and then publication of the notice of availability in early March. Guidance Memorandum comments were primarily focused on GM 3 and GM 4. A notice of availability is expected in March. The RECOVER Leadership Group officially forwarded the Interim Goals and Targets Recommendations to the SFWMD, Corps and DOI. Mr. Tepper asked how the SFWMD's Acceler8 Basis of Design Report (BODR) fit with respect to the Corps design and PIR process. Mr. Duke and Mr. Dean said it represented approximately 15 to 30 % design. Mr. Duke explained that it is much like a scoping effort. Mr. Tepper was concerned about getting too far into a specific alternative and potentially overlooking better alternatives later on. Ms. Allbright asked if he had a specific example. Mr. Tepper said no but noted in general that water quality was an important issue that needed to be addressed along with water quantity. Mr. Dean said this was a valid question. The SFWMD and USACE have worked out an arrangement not to go beyond the 30 % design until the PIR was completed in order to balance the need to move forward while allowing for a rigorous alternative analysis. Mr. Murley asked about the status of the North Fork of the New River project. Mr. Duke said their intent was to include the top 20 – 35 Critical Projects into CERP if they were not implemented under the Critical Project authority. He offered to provide an update at the next meeting.

Mr. Lehtinen asked for clarification regarding Mr. Duke's comments about line items in the 2006 budget request. Mr. Duke said that when they have requested funds in prior years, the various programs were listed as separate line items. However, for 2006 it is one line item. Mr. Lehtinen asked what obligation they were under to spend the money as stated. Mr. Duke said they have authority to transfer funds between projects now. Adding that under traditional Corps methods they would be free within the category to move those funds around to account for adjustments and contracts. Mr. Lehtinen said folks should be aware that the figures presented were not likely to be in print anywhere. He also asked for clarification of ENP's role in land acquisition. Mr. Duke explained they have engaged Park Service real estate folks to do a lot of the leg work but the actual closing would still be handled by the Corps. Mr. Lehtinen asked for the MWD completion date. Mr. Duke said it was 2009 depending on what happens with Tamiami Trail GRR and funding from Congress. Because of the cost increases and design changes from FDOT they have recalled the GRR from headquarters prior to approval for revision. Mr. Lehtinen asked if it was still a 3,000 foot bridge. Mr. Duke said they were examining the final alternatives which included a 3,000 foot bridge and four mile bridge and a ten mile skyway. Mr. Lehtinen noted they had evaluated those alternatives before and asked what had changed. Mr. Duke said it was mainly cost increases and the design change. Ms.

Allbright added that because of the way Tamiami Trail had been broken down between MWD and CERP a portion of it would have to be rebuilt again under CERP and that because of the cost increases it was worth re-examining the most efficient way to proceed for the taxpayers. Mr. Lehtinen said that if they are going to do a GRR for MWD based on a CERP project then it would be a GRR for CERP. Ms. Allbright said that if they know how much water is going to be coming through there when the projects are completed why build for half that amount and then have to re-do it. Mr. Lehtinen questioned how that could be known when the CERP projects have not been analyzed. Mr. Duke explained that in the Yellow Book was based on the Natural Systems Model (NSM) and the NSM basically represents the upper limit. He said the ongoing modeling around Tamiami Trail is on a much finer grid to further refine analysis and determine impacts. Mr. Lehtinen asked why today's modeling would be any more reliable than the 1999 projection and said it seemed to him that what was happening was a desire to pick a number for political purposes. Referring to the map of the 8.5 SMA he asked why NPS owns property within the 8.5 SMA. Mr. Dan Kimball said he had similar questions and would look into this but he was aware that they were given the authority to purchase ten acres of land for administrative purposes.

Acceler8

Mr. Dean provided an update that included the planned start of construction, estimated costs and estimated completion dates. He noted Broward County made a compelling argument at the last WRAC meeting for the SFWMD to move ahead under existing resources to incorporate the Secondary Canal Project. The SFWMD continues to work closely with the Corps and Interior and noted that the Quality Review Board meeting will be held on the following two days. He acknowledged Mr. Jay Slack who has re-organized his office and assigned folks to work on these projects. Financing is on schedule and a draft RFP will be submitted within the next week or two soliciting responses for the Certificates of Participation. He closed by saying that they are well on their way to achieving what could be a tremendous success for Everglades Restoration.

ASR Contingency Plan Update

Mr. Dean provided a status report on the ASR contingency plan. ASR is a major element of CERP. During the discussions leading up to the passage of WRDA, the District informally agreed to prepare a contingency plan in the event that ASR on the scale and magnitude of the approximately 330 wells never got off the ground for whatever reason. ASR will capture and store additional water and make that water available for restoration and as a back-up for water supply and agricultural use. They are looking north of Lake Okeechobee which would reduce the amount of water coming into the lake during the wet season and also deal with water quality issues. Approximately 500 metric tons a year of phosphorus come into Lake Okeechobee and the target is 140 metric tons. He reviewed the three elements of the plan:

- First, they will try to work with the major landowners, ranchers and farmers along the entire length and breadth of the Kissimmee River Valley to store water and treat it over natural systems while the land remains on the tax rolls. It could be a combination of storage, deep water reservoirs and additional STAs associated with those reservoirs.
- Second, forward pumps would involve the construction of huge pumps that would be available when the lake goes below ten feet to make water available for both agricultural irrigation and back-up water supply. The cost is estimated at \$50million.
- Third, a greater emphasis on alternative water source development from St. Lucie County down through Monroe County. There are a number of different ways to do this and the alternative sources range from tapping into the Floridan Aquifer in southeast Florida, reuse of reclaimed water which lends itself to areas of southeast Florida and looking at desalinization noting successful facilities on both the East and West coasts.

Mr. Murley asked whether there was a contingency plan for the wastewater reuse plant in Miami Dade. Mr. Collins said he was not sure there were realistic alternatives. Mr. Murley hoped this would be on the list for a contingency plan down the road. Mr. Marlow asked how much effort has gone into looking at natural systems for storage of water. Mr. Dean said their effort would be to store flood water north of the lake and rely on alternative sources for potable water supply purposes, it would be more for flood protection and water quality issues north of the Lake. They only acquire lands that are needed rather than fee simple and are hoping to enter into voluntary agreements with large land owners to store water. Mr.

Collins said the Lykes Brothers and others have expressed an interest in discussing this further. WRAC workshops for this topic will start in March. Mr. Dean noted they successfully entered into voluntary agreements with private landowners when they did the pilot project for Lake Toho.

Mr. Dunlop asked to have additional discussion on CERP and Acceler8. He said that having one line item in the funding request would not change the way the money was allocated to specific activities and there are laws and statutes that regulate how the money is spent. Mr. Dunlop asked Mr. Duke to expound on the reprogramming process. Mr. Duke explained that a detailed justification sheet is provided to Congress that provides the best estimate at the time of how the money will be spent. As they execute the program they have an obligation to make sure they make a wise and efficient use of funds on projects that are ready to move forward. A project might be delayed due to a bid protest for example. They do inform Congress as they reprogram funds from one project to another and they must following detailed procedures. In the future the money must go back to fund the projects for which they were originally appropriated.

CSOP Advisory Team

Ms. Allbright thanked Carol Rist for her leadership of the Team and said she would be missed. Ms. Rist reported the team had been looking at the Bookend runs and using a technical sub team of experts which includes agency folks is trying to understand the consequences of the various runs. Mr. Collins noted his concern that the successor be able to “reel in the troops”. Ms. Rist said she was confident Ms. Espino would do a fine job and noted her thoughtfulness and balance. Mr. Lehtinen suggested the Task Force forward the team’s resolution to the Corps and ask the Corps and any other appropriate agency to report back to the Task Force so they could provide guidance to the CSOP Advisory Team. Ms. Allbright asked what issues had not been addressed in Mr. Duke’s Corps presentation or in Mr. Dean’s SFWMD presentation. She noted that yesterday the members were presented with information from the President’s budget proposal as well. Mr. Lehtinen replied item number four, how does Acceler8 directly affect hydrologic performance of MWD and C-111, item three addresses Tamiami Trail and the 8.5 SMA components, and one and two deal with the funds available and that will not be known until a budget is passed. Ms. Allbright noted that the budget probably would not be passed until October or later. Ms. Allbright said that additional information would be presented at the May meeting. Mr. Duke stated the FY 06 budget request included funds for design of the Tamiami Bridge but not construction. Mr. Lehtinen asked if OMB asked for a longer bridge and whether any agency was advocating any modification to WRDA 2000 or changes to authorizing legislations for MWD other than numbers alone without directives. Ms. Allbright and Mr. Duke said they were not aware of any. Ms. Allbright responded that Interior and the Corps are working with OMB and CEQ to ensure MWD is completed and noted that Congress passes one budget year at a time. Mr. Lehtinen thanked Mr. Duke for his presentation and thanked Ms. Rist adding she managed the team in a commendable way.

Mr. Lehtinen asked for an explanation about why the PDTs’ working documents distinguish between authorized objectives, additional objectives and constraints in a way that would appear to be contrary to the law. He said he was concerned that everything in ENP (birds, tree islands) is called an authorized objective, while protecting tree islands and birds elsewhere in the Everglades is called an additional objective. The Act states it is designed to help the Everglades overall and then the only qualifier is to restore natural water flows to the Everglades to the extent practicable. He said he would advocate that the natural habitat and the birds throughout the Everglades are an authorized objective. He asked for a five minute presentation from each expert on the CSOP technical team at the May meeting. Ms. Allbright said they would work to schedule these presentations at the May meeting.

Task Force Discussion

Mr. Gene Duncan commented on the EPA determination on the phosphorus criteria. He said that within the federal Clean Water Act (CWA) they designate a use of a water body, adopt criteria to protect the use and there is a no back sliding provision and all three things go together to make a standard. The moderating provision adopted by the state is inconsistent with the interpretation in the CWA. EPA decided in their determination that the way the state wrote their standard included a variance as opposed to the moderating provisions. The ERC and DEP did not hold public hearings about variances. EPA decided it could not approve what Florida wrote without calling it a variance. The CWA does not allow you to remove an existing use although you can remove a designated use through a legal process and that has not

been done. These moderating provisions allow for net improvement and hydro-pattern restoration. They are not protecting the water body to the level the criterion is designed to protect. Hydro-pattern restoration is restoration with dirty water. He said this would allow intentional degradation in the name of restoration and is the taking of an existing use. The CWA requires the protection of the “entire water body” when talking about federal lands and the “water body as a whole” when talking about Tribal lands. The criterion of 10 ppb is resolved and how it will be measured is yet unresolved. Mr. Brent Fewell said he understood the concerns and proposed the folks at EPA provide their interpretation of the CWA. Mr. Dean asked to be included in any meetings. Ms. Allbright asked for an update on these discussions at the May meeting. Mr. Lehtinen said a meeting was not likely because their position had already been provided in writing.

Public Comment

Ms. Erin Deady, Lewis, Longman and Walker, provided an example on the relationship between the BODR and the 30% design process on behalf of Lee County. The C-43 project is moving along as part of Acceler8 but the targets for developing the water quantity and the TMDLs to develop the water quality targets have not been developed. The concern is that the process is scheduled to stop to allow the PIR to catch up. However the costs associated with revisions have not been considered in the process. She asked they add some time into the process to make necessary revisions. Mr. Dean said the WRAC will be discussing this at their issues workshop in Labelle on March 7th. Mr. Causey said they have extended the water quality monitoring up the southwest coast and the data does not show anything coming from the Caloosahatchee. Mr. Collins said they are aware of the concerns and asked Ms. Deady to work with Mr. Causey and take the information from NOAA back to Lee County.

Dan Clark, Cry of the Water, said he spoke to Mr. Dunlop and COL Carpenter and was hopeful there will be a review of the material that will be used for the beach re-nourishment project. He reported the material being removed from the Miami River is being taken to the Medley landfill and the landfill in Broward County which is unable to handle the material. The leach from the Broward County landfill is extracted and goes to the County sewer plant which is pumped onto the reefs. They need to deal with waste, sewage and advanced water treatment noting Broward County’s marine industry generates more money than the Keys. EPA has asked for \$450,000 to put a comprehensive water quality monitoring program in Broward County yet their budget has been cut.

Jeff Torode, Greater Ft. Lauderdale Dive Association, he said that they have been pumping treated sewage water which has contributed to massive algae blooms that have gotten out of control and have resulted in the loss of coral cover. The reefs are “stressed to the max” and he asked to see the water cleaned up before it is sent to the ocean. The sand that will be pumped onto the beach is not suitable under Corps criteria and noted that the sand used in the Boca Raton dredging project has migrated further than anticipated. He asked that they re-think this Broward project or it may be a “true burial at sea”.

April Gromnicki, Audubon of Florida, said Audubon was thrilled to see the money for MWD and disappointed to see the shortfall in everything else such as the Kissimmee River Restoration, Critical Projects and the new start construction. She commended the District for starting the ASR Contingency process and looked forward to participating in that process.

Mr. Patrick Hayes, Loxahatchee River Coalition/Martin County Soil and Water, said one of the unintended consequences of the C&SF project was in the Loxahatchee Watershed in the northeast Everglades. In this last storm event, they had 100% mortality in the sea grass beds and 75 % mortality in the oyster beds. He urged the agencies to take extraordinary measures now to avoid the “doom of the coastal ecosystem”.

Next Steps and Closing Comments

Mr. Murley, providing a handout (Encl. 4), said he looked forward to discussing the growth management issue at a future meeting. An additional three million people are expected in southeast Florida between now and 2030 which translates into approximately 1.5 million dwelling units. Ms. Allbright said a growth management discussion would be added to the May agenda. She also stated that information will be assembled and a possible conference call scheduled to prepare for the May meeting which will be held at the SFWMD. She thanked the staff for their hard work and adjourned the meeting at 12:10 PM.

Enclosures:

1. Briefing Binder
 - a. Administrative Items
 - i. Agenda
 - ii. Task Force Roster
 - iii. Draft Meeting Minutes, December 2004
 - iv. Draft Meeting Minutes, January 2005
 - b. Museum of Discovery and Science
 - i. Power point presentation
 - ii. Outreach Plan
 - c. Acceler8 Update
 - i. Map
 - ii. Project Status update
 - d. Science Coordination Group
 - i. Power point
2. Task Force Priorities
3. Corps' Restoration Update Power Point
4. Future shape of south Florida handout http://soflo.org/special/brookings/map_proportional.htm
5. Museum of Discovery and Science Reception